Rejections Under 35 U.S.C. § 102 and § 103:

In items 12-16 on pages 4 and 5 of the Office Action, the claims were rejected under 35 U.S.C. § 102 or § 103 over Dolphin (U.S. Patent No. 5,457,746) or in combination with Daniele (U.S. Patent No. 5,444,779). It is submitted that nothing in the prior art teaches or suggests all the features recited in the present claimed invention.

For instance, nothing in the cited prior art teaches or suggests the present claimed "copyright control program" recited in independent claims 95 and 111. The decryption algorithm in the PCMCIA card 29 and on the CD 70D and 70E of Figure 10 do not correspond with the present claimed "copyright control program". Dolphin appears to be directed to access control to periodically distributed data based on a user's subscription. Access is controlled through a user's cite communication with a billing/access center whereby the user purchases a decryption access code as indicated by access code attributes encoded on the medium. Access code availability is further controlled by selectively providing for updates of decryption access codes, based on subscription service periods. See, e.g., Dolphin's Abstract and Summary of the Invention. Accordingly, nothing in the primary reference to Dolphin discloses the present claimed "copyright control program". For at least these reasons, the present claimed invention patently distinguishes over the prior art.

With regard to claim 127 (and claim 111), the Office Action acknowledged the Applicant's argument that Dolphin does not teach re-encrypting prior to storing, copying, or transferring of the data. In response, the Examiner indicated that "this limitation is not positively recited in claim 127." Apparently, there is a suggestion that the "re-encrypting" feature (if positively claimed) in

claim 127 distinguishes over the prior art. In this regard, the Examiner's attention is directed to the fact that claim 127 does recite "encrypting said decrypted data **again** for storing, copying, or transferring the digital data". In other words, encrypting data "again" amounts to re-encryption. Accordingly, the "re-encryption" feature is positively recited in claim 127 and would distinguish the claim over the cited art.

Distinctions Over the Combination of Dolphin and Daniele:

The deficiencies in the primary reference to Dolphin are not remedied by the further reference to Daniele. The present claimed invention distinguishes over the prior art for at least the reasons discussed above. In addition, it is further submitted that the present claimed invention distinguishes over Dolphin, in view of Daniele. Dolphin merely discloses access control or security for the commercial interest in digital information and does not teach or suggest management of copyrights and digital data (as recited in claims 105, 107, 109, 110, 137, 139, 141, and 142). As explained in the Remarks of the Preliminary Amendment dated April 3, 2000, copyright information includes identification of authorship, title, date of creation, and publication of the work, as defined under U.S. Copyright Law. The prior art is only directed to simple encryption and decryption (and access control to periodically distributed data) using such simple encryption and decryption (without any concern as to any copyrights of the data encrypted or decrypted, nor the controlling management of any copyrights of the data involved).

While Daniele shows a copyright control technique, as Figs. 4-6 apparently show, various information is added as a "visual glyph" into a visual document. In other words, digitized information is added to the digitized document, according to Daniele, wherein the purpose for digitizing the document and information is to process both the document and glyph simultaneously, which are both originally visual. Such disclosures of Daniele do not at all correspond to the addition of digital information into digital data as recited in the present claimed invention. On the contrary, claims 105, 107, 109, 110, 137, 139, 141, and 142 directed to digital data, which by themselves have no visual aspects, are unrelated to the disclosures in Daniele regarding the addition of a visual element. Basically, it is technologically unreasonable to add a visual element to the copyright management of digital data of the present invention. For at least these reasons, the present claimed invention patentably distinguishes over the prior art.

Furthermore, there is no teaching or suggestion as to how Dolphin could be modified to incorporate the teachings of Daniele for adding "visual glyphs" into visual documents and still maintain the proper functioning of the access control according to Dolphin. Similarly, there is no teaching or suggestion as to how to modify Daniele with the access control techniques of Dolphin to achieve the claimed "copyright control program" and the claimed addition of digital information into digital data according to the present claimed invention. The suggested combination between Dolphin and Daniele would require a substantial modification and redesign of the elements shown in either Dolphin or Daniele, as well as a change in the basic principle under which Dolphin and Daniele were each designed to operate. Moreover, there is no motivation to combine the "visual glyph" teachings of Daniele with the access control techniques of Dolphin to achieve the features

recited in the manner claimed in the present invention. For all of the above reasons, the present claimed invention patentably distinguishes over the prior art.

With regard to claims not specifically mentioned above, it is also submitted that those claims patentably distinguish over the prior art for at least the reasons that their independent base claims distinguish over the prior art as discussed above.

Summary

It is submitted that nothing in the prior art teaches or suggests all the features recited in the present claimed invention. In view of the foregoing amendments and accompanying remarks, the claims are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney, at the telephone number indicated below, to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees which may be due with respect to this paper, may be charged to Deposit Account No. <u>01-2340</u>.

Respectfully submitted,

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Enclosures: Amendment Transmittal (in duplicate)
Petition for Extension of Time